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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JIMMY PEREZ AYON,  
  
Defendant.

CASE NO. 2:22-CR-00176-TLN  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
  
DATE: July 27, 2023  
TIME: 9:30 a.m.  
COURT: Hon. Troy L. Nunley

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 27, 2023.
2. By this stipulation, defendant now moves to continue the status conference until October 5, 2023, at 9:30 a.m., and to exclude time between July 27, 2023, and October 5, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes approximately 3,380 pages of documents, including investigative reports, text messages, transcripts of recorded communications, and other materials, as well as multiple undercover

1 video and audio recordings. All of this discovery has been either produced directly to counsel  
2 and/or made available for inspection and copying.

3 b) Counsel for defendant desires additional time to review this discovery, to conduct  
4 factual investigation, to evaluate potential responses to the charges, to confer with his client, and  
5 to otherwise prepare for trial.

6 c) Counsel for defendant believes that failure to grant the above-requested  
7 continuance would deny him the reasonable time necessary for effective preparation, taking into  
8 account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of July 27, 2023 to October 5, 2023,  
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
16 because it results from a continuance granted by the Court at defendant's request on the basis of  
17 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
18 of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
21 must commence.

22 IT IS SO STIPULATED.

23  
24 Dated: July 18, 2023

PHILLIP A. TALBERT  
United States Attorney

26  
27 /s/ DAVID W. SPENCER  
DAVID W. SPENCER  
Assistant United States Attorney  
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1 Dated: July 18, 2023

/s/ MICHAEL D. LONG

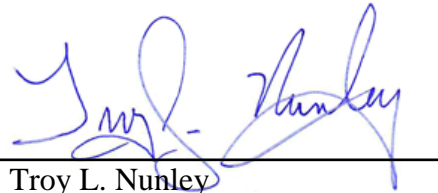
MICHAEL D. LONG

Counsel for Defendant

JIMMY PEREZ AYON

6 **ORDER**

7 IT IS SO FOUND AND ORDERED this 18<sup>th</sup> day of July, 2023.

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11 Troy L. Nunley  
12 United States District Judge  
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